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Eric M. Hurwitz
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February 27, 2014

VIA HAND DELIVERY

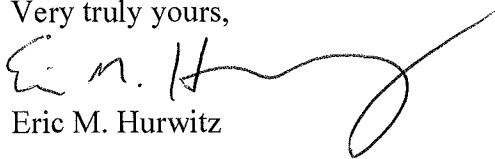
Michael E. Kunz, Clerk
United States District Court
Eastern District of Pennsylvania
601 Market Street – Room 2609
Philadelphia, PA 19106

Re: Brian Patrick v. Exeter Finance Corp.

Dear Mr. Kunz:

On behalf of Defendant Exeter Finance Corp., enclosed is an original and one copy of the Notice of Removal in the above-referenced matter, along with the Civil Action Coversheet, Designation Form (2), Defendant's Rule 7.1 Disclosure Statement (2) and Case Management Track Designation Form to be filed with your office. I have enclosed a CD which contains these documents in PDF format. Enclosed is a check in the amount of \$400.00 to cover the cost of filing. Also enclosed is a PDF copy of these documents along with an extra copy of each document to be time-stamped and returned in the self-addressed, stamped envelope which I have provided.

Very truly yours,


Eric M. Hurwitz

EMH:sj
Encl.

Cc: Vicki Piontek, Esquire (w/encl. via Electronic Mail and U.S. Mail)

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Brian Patrick

DEFENDANTS

Exeter Finance Corp.

(b) County of Residence of First Listed Plaintiff Gloucester County, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Dallas County, Texas

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Vicki Piontek, Esquire
951 Allentown Road
Lansdale, PA 19446

Attorneys (If Known)
Eric M. Hurwitz, Esquire
Stradley Ronon Stevens & Young, LLP
2600 One Commerce Square
Philadelphia, PA 19103
215-564-8000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. 227 et seq. and 15 U.S.C. 1692 et seq.

Brief description of cause:

Violation of Telephone Consumer Protection Act and Fair Debt Collection Practices Act.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 6,401.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/27/2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 309 Hukley Court, Williamstown, New Jersey 08094

Address of Defendant: 222 West Las Colinas Boulevard, Irving, Texas 75039

Place of Accident, Incident or Transaction: Allegations involve phone call made to New Jersey based number
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify) Telephone Consumer Protection Act 47 U.S.C. Section 227 et seq. and Fair Debt Collection Practices Act 15 U.S.C. Section 1692 et seq.

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/27/14

Attorney-at-Law

84251

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 309 Hukley Court, Williamstown, New Jersey 08094

Address of Defendant: 222 West Las Colinas Boulevard, Irving, Texas 75039

Place of Accident, Incident or Transaction: Allegations involve phone call made to New Jersey based number
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) Telephone Consumer Protection Act 47 U.S.C. Section 227 et seq. and Fair Debt Collection Practices Act 15 U.S.C. Section 1692 et seq.

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2/27/14

Attorney-at-Law

84251
Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Brian Patrick

v.

Exeter Finance Corp.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

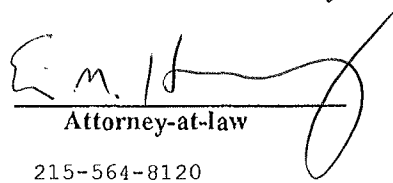
SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

February 27, 2014
Date

215-564-8000

Telephone


Attorney-at-law

215-564-8120

FAX Number

Exeter Finance Corp.
Attorney for

EHurwitz@stradley.com

E-Mail Address

APPENDIX G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BRIAN PATRICK

V.

EXETER FINANCE CORP.

:
:
:
:
:

Civil Action

No: _____

DISCLOSURE STATEMENT FORM

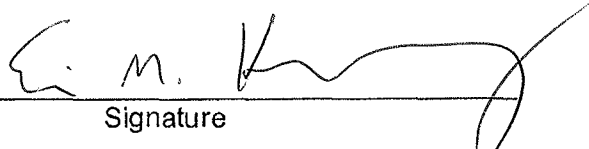
Please check one box:

- ☒ The nongovernmental corporate party, Exeter Finance Corp., in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, _____, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

February 27, 2014

Date

Signature



Counsel for: Exeter Finance Corp.

Federal Rule of Civil Procedure 7.1 Disclosure Statement

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
 - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
 - (2) promptly file a supplemental statement if any required information changes.

APPENDIX G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BRIAN PATRICK

V.

EXETER FINANCE CORP.

Civil Action

No: _____

DISCLOSURE STATEMENT FORM

Please check one box:

- ☒ The nongovernmental corporate party, Exeter Finance Corp., in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☐ The nongovernmental corporate party, _____, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

February 27, 2014

Date

Signature

Counsel for: Exeter Finance Corp.

Federal Rule of Civil Procedure 7.1 Disclosure Statement

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
 - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
 - (2) promptly file a supplemental statement if any required information changes.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRIAN PATRICK,

Plaintiff,

v.

EXETER FINANCE CORP.,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Defendant, Exeter Finance Corp. (“Exeter”), hereby files this Notice of Removal to remove the above-captioned civil action from the Court of Common Pleas, Bucks County, Pennsylvania, Case No. 2013-09980 (the “State Court Action”), to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, Exeter states the following:

THE REMOVED CASE

1. Plaintiff, Brian Patrick (“Plaintiff”) initiated the State Court Action by filing a Complaint (the “Complaint”) on January 14, 2014, in the Court of Common Pleas of Bucks County, Pennsylvania.

2. In the Complaint, Plaintiff alleges that Exeter violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. (“TCPA”), in addition to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), by using an “automatic telephone dialing system” to call Plaintiff’s cell phone in an attempt to purportedly collect the debt of another individual, without Plaintiff’s consent. (Complaint at ¶¶ 1, 21, 23-30.)

3. Plaintiff's Complaint seeks damages in the amount of \$6,401.00, which consists of actual damages, statutory damages under the TCPA, and the claimed right to recover attorneys' fees.

PAPERS FROM THE REMOVED ACTION

4. Pursuant to Title 28 U.S.C. § 1446(a), a copy of the Summons and Complaint, which is the only filing in the State Court Action, is attached hereto as Exhibit 1.

THE REMOVAL IS TIMELY

5. Exeter was served with the Summons and Complaint in this matter on January 27, 2014. This Notice of Removal is filed within thirty (30) days of receipt of the Summons and Complaint. Accordingly, this Notice of Removal is timely filed under Title 28 U.S.C. § 1446(b).

VENUE IS PROPER

6. Venue is proper in this Court because it is the "district court of the United States for the district and division embracing the place where [the State Court Action] is pending." 28 U.S.C. § 1441(a). The State Court Action is pending in the Bucks County Court of Common Pleas, which is located within the Eastern District of Pennsylvania.

DIVERSITY OF CITIZENSHIP EXISTS BETWEEN THE PARTIES

7. Plaintiff, Brian Patrick, resides at 309 Hukley Court, Williamstown, New Jersey 08094. Therefore, Plaintiff is a citizen of the State of New Jersey for purposes of diversity jurisdiction.

8. Defendant, Exeter Finance Corp. is an automobile finance company incorporated under the laws of the State of Texas and with a principal place of business located

at 222 West Las Colinas Boulevard, Irving, Texas 75039. As such, Exeter is a citizen of Texas for the purposes of diversity jurisdiction. See 28 U.S.C. §1332(c)(1).

9. Accordingly, Plaintiff and Exeter are citizens of different states as set forth above, and the parties are diverse for purposes of jurisdiction under 28 U.S.C. §1332.

10. Therefore, the Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332

THIS COURT ALSO HAS FEDERAL QUESTION JURISDICTION

11. The United States Supreme Court has explicitly recognized that federal district courts have jurisdiction over cases in which a plaintiff asserts a TCPA claim and that defendants are “free to remove those cases to federal court under 28 U.S.C. § 1441.” Mims v. Arrow Financial Services LLC, 132 S. Ct. 740, 753 (U.S. 2012).

12. Further, although the Complaint is less than clear, it also appears that Plaintiff is asserting a claim based on the FDCPA, 15 U.S.C. § 1692 et seq., which is also a federal statute.

13. Therefore, because it is clear on the face of Plaintiff’s Complaint that Plaintiff is asserting a claim under the TCPA, and may also be asserting a claim under the FDCPA, federal question jurisdiction exists and this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

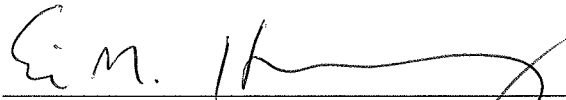
FILING OF REMOVAL PAPERS

14. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be promptly filed with the Court of Common Pleas of Bucks County, Pennsylvania, and served on Plaintiff. A copy of the Notice of Filing of Notice of Removal (without exhibits) is attached as Exhibit 2.

15. In filing this Notice of Removal, Exeter reserves any and all defenses, objections, and exceptions, including without limitation those relating to jurisdiction, service, venue, and statute of limitations, and further reserves the right to see dismissal of the action.

WHEREFORE, notice is given that the State Court Action is removed from the Court of Common Pleas of Bucks County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Hurwitz", is written over a horizontal line.

Andrew K. Stutzman (PA Atty. No. 72922)

Eric M. Hurwitz (PA Atty. No. 84251)

Thomas M. Brodowski (PA Atty. No. 207377)

Stradley Ronon Stevens & Young, LLP

2600 One Commerce Square

Philadelphia, PA 19103

(215) 564-8000

Attorneys for Defendant

Exeter Finance Corp.

Date: February 27, 2014

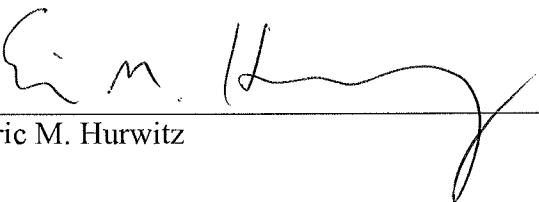
CERTIFICATE OF SERVICE

I, Eric M. Hurwitz, hereby certify that on February 27, 2014, the foregoing Notice of Removal and accompanying exhibits were served via Electronic Mail and First Class U.S.

Mail, postage pre-paid, upon the following:

Vicki Piontek, Esq.
951 Allentown Road
Lansdale, PA 19446
vicki.piontek@gmail.com

*Attorney for Plaintiff,
Brian Patrick*


Eric M. Hurwitz

Date: February 27, 2014

EXHIBIT 1

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY, PENNSYLVANIA

Brian Patrick
309 Hukley Court
Williamstown, NJ 08094

Plaintiff

v.
Exeter Finance Corp.
222 LAS COLINAS BLVD W.
IRVING TX 75039
and
XYZ Corporations

Defendant(s)

CIVIL ACTION-LAW

Jury Trial Demanded

2013-09980

NOTICE

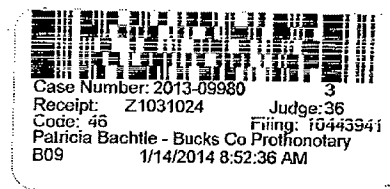
YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THE COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Legal Aid of Southeastern PA for Bucks County
1290 Veterans Hwy, Box 809, Bristol, PA 19007
215-781-1111

Bucks County Legal Aid Society
100 Union St, Doylestown, PA 18901
(215) 340-1818

Bucks County Bar Association
135 E. State St., P.O. Box 300
Doylestown, PA 18901
215-348-9413



IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY, PENNSYLVANIA

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Plaintiff

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COMPLAINT

1. This is a lawsuit for damages brought by an individual consumer for Defendant(s)' alleged violations of the Telephone Consumer Protection Act, 47 USC § 227 et. seq. (hereinafter "TCPA"), as well as for Defendant(s) alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. (hereinafter "FDCPA").
2. Venue is proper in this jurisdiction because Defendant(s) regularly transact(s) business throughout this jurisdiction.
3. Defendant obtains the benefit(s) of regularly transacting business in this jurisdiction.
4. A substantially portion of the conduct complained of occurred in this jurisdiction.
5. One or more key witnesses resides in this jurisdiction.

PARTIES

6. All previous paragraphs of this complaint are incorporated by reference.
7. Plaintiff is Brian Patrick, an adult individual, with a current address of 309 Hukley Court, Williamstown, NJ 08094.
8. Defendant is Exeter Finance Corp., a business engaged in consumer debt collection with a place of business located at 222 LAS COLINAS BLVD W., IRVING TX 75039.
9. Defendants may include X,Y,Z Corporations, business entities whose names and identities are not known to Plaintiff at this time, or whose liability is not know, but which may become known to Plaintiff following discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this Complaint.

**COUNT ONE: VIOLATION OF THE TELEPHONE CONSUMER PROTECTION
ACT (TCPA) 47 USC § 227 ET. SEQ.**

10. The previous paragraphs are incorporated by reference and made a part of this complaint.

11. In 1991, Congress enacted the Telephone Consumer Protection Act, 47 U.S.C. § 227 (TCPA), in response to a growing number of consumer complaints regarding certain telemarketing practices.

12. The TCPA regulates, among other things, the use of automated telephone equipment, or “autodialers.” Specifically, the plain language of section 227(b)(1)(A)(iii) prohibits the use of autodialers to make any call to a wireless number in the absence of an emergency or the prior express consent of the called party.

13. According to findings by the Federal Communication Commission (“FCC”), the agency Congress vested with authority to issue regulations implementing the TCPA, such calls are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient. The FCC also recognized that wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used.

14. On January 4, 2008, the FCC released a Declaratory Ruling wherein it confirmed that autodialed and prerecorded message calls to a wireless number by a creditor (or on behalf of a creditor) are permitted only if the calls are made with the "prior express consent" of the called party. The FCC "emphasize[d] that prior express consent is deemed to be granted.
15. At all times relevant, Plaintiff was a "person" as defined by 47 U.S.C. § 153(10).
16. Prior to the commencement of this action, Plaintiff's friend Lou Yanczak engaged in a consumer credit transaction which was the subject of Defendant's collection activity.
17. Plaintiff's friend's account went into collections, and the account was referred to Defendant(s) for the purpose of collection.
18. The account which pertained to Plaintiff's friend was a consumer account because the account was for person, household or family purposes.
19. At no time did Plaintiff furnish Defendant with Plaintiff's cell phone number.
20. At no time did Plaintiff provide the original alleged creditor for the account that was the subject of Defendant's collection activity with Plaintiff's cell phone number.

21. At no time did Plaintiff consent to receive calls on his cell phone from Defendant with and automatic telephone dialing system.
22. On various occasions within the applicable statute of limitations prior to the commencement of this action, Defendant contacted Plaintiff on Plaintiff's cellular telephone.
23. It is believed and averred that several of the telephone calls by Defendant to Plaintiff on Plaintiff's cellular telephone occurred via an "automatic telephone dialing system," as defined by 47 U.S.C. § 227(a)(1), and all calls that are the subject of this Complaint occurred within four years of the filing of this Complaint.
24. It is believed and averred that one or more of the telephone calls placed by Defendant to Plaintiff's cellular telephone were made using an "automatic telephone dialing system," as defined by 47 U.S.C. § 227 et. seq.
25. Such automated calls were made by Defendant(s) to Plaintiff's cellular telephone service as defined in 47 U.S.C. § 227(b)(1)(A)(iii).
26. Plaintiff did not provide "express consent" to receive automated telephone calls on Plaintiff's cellular telephone.
27. The calls that were made by Defendant(s) to Plaintiff's cellular telephone were not made for emergency purposes.

28. Defendant's telephone calls to Plaintiff's cellular phone utilizing an "automatic telephone dialing system" for non-emergency purposes and in the absence of Plaintiff's prior express consent violated 47 U.S.C. § 227(b)(1)(A).

29. Under the TCPA and pursuant to the FCC's January 2008 Declaratory Ruling, the burden is on Defendant to demonstrate that Plaintiff provided express consent within the meaning of the statute.

30. Plaintiff believes and avers that Plaintiff received no less than 10 automated calls on Plaintiff's cell phone from Defendant(s), and probably more that came in, but Plaintiff was not able to document.

LIABILITY

31. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
32. Defendant(s) is liable to Plaintiff(s) for the acts committed by its agents under the doctrine of respondeat superior because Defendant's agents were acting within the scope of their employment with Defendant.
33. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
34. Any mistake made by Defendant(s) would have included a mistake of law.
35. Any mistake made by Defendant (s) would not have been a reasonable bona fide mistake.

DAMAGES

36. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
37. Plaintiff believes and avers that Plaintiff is entitled to at least \$1.00 actual damages, including but not limited to phone, fax, stationary, postage, etc.
38. Plaintiff believes ad avers that Plaintiff is entitled to \$500.00 per call that Plaintiff received from Defendant(s) in violation of TCPA.
39. Plaintiff believes and avers that there was at least 10 separate automated telephone calls to his cell phone which were made by Defendant(s), thereby warranting no less than \$5,000 in statutory damages.
40. Plaintiff suffered emotional distress with a Dollar value to be proven at trial.

ATTORNEY FEES

41. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.

42. Plaintiff is entitled to reasonable attorney fees in this matter at a rate of no less than \$350 per hour, or other rate that this Honorable Court deems just and fare, pursuant the fee shifting provision of TCPA and FDCPA.

43. Plaintiff's attorney fees of \$1,400.00 at a rate of \$350.00 per hour, are enumerated below.

a. Consultation with client and witness, drafting and review of complaint	1
b. Drafting, editing, review, filing and service of complaint and related documents	1
c. Follow up With Defense and client	2
<hr/>	
4 x \$350 = \$1,400.00	

44. Plaintiff's attorney fees continue to accrue as the case move forward.

45. The above stated attorney fees include prosecution of this complaint to the date of the instant filing and reasonable follow up.

OTHER RELIEF

46. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
47. Plaintiff seeks injunctive relief barring further unlawful collection activity.
48. Plaintiff requests / demands a jury trial in this matter.
49. Plaintiff seeks fees and costs for prosecuting this action.
50. Plaintiff seeks such other relief as this Honorable Court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of no less than \$6,401.00.

\$1.00 actual damages more or less for postage, stationary , fax, etc.

\$5,000 statutory damages under TCPA

\$1,400.00 attorney fees

\$6,401.00

Plaintiff seeks such other relief as the Court deems just and fair.

Vicki Piontek
Vicki Piontek, Esquire
Supreme Court ID Number 83559
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
Fax: 866-408-6735
palaw@justice.com

1-13-2014
Date

IN THE COURT OF COMMON PLEAS
OF BUCKS COUNTY, PENNSYLVANIA

Brian Patrick
309 Hukley Court
Williamstown, NJ 08094

Plaintiff

v.
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222 LAS COLINAS BLVD W.
IRVING TX 75039
and
XYZ Corporations

Defendant(s)

CIVIL ACTION-LAW

Jury Trial Demanded

2013-09980

VERIFICATION

I, Brian Patrick, have read the attached complaint. The facts stated in the complaint are true and accurate to the best of my knowledge, understanding and belief.

Brian Patrick 1-11-14
Brian Patrick Date

Piontek Law Office
951 Allentown Road
Lansdale, PA 19446

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

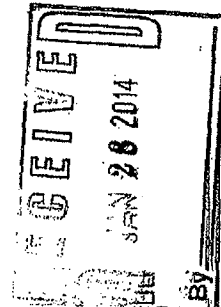


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U.S. POSTAGE
PAID
LANSDALE, PA
JAN 22 2014
AMOUNT
\$6.97
00031614-12



1000 75039



Exeter Finance Corp
Attention: chief corporate officer
222 Las Colinas Blvd W.
Irving, TX 75039